

## **REMARKS**

In the Office Action, the Examiner rejected claims 1-16 and 20-30. By the present response, claims 10, 11-13, 15, 22, 25, 27, 28 and 30 have been amended and claims 1-9, 14, 17-21, 23, 24 and 29 have been canceled without prejudice. Additionally, new claims 31-48 have been added. No new matter has been added by these new claims. In summary, claims 10, 11-13, 15, 16, 22, 23, 26-28 and 30-48 are presently pending. In light of the amendments and following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Prior to addressing the Examiner's rejections, Applicants address the new claims presently added. Specifically, Applicants note that one additional independent claim has been added (however the net number of claims pending has remained constant), and, as such, the Commissioner is authorized to charge the Deposit Account listed on the attached Transmittal form a fee of eighty-four dollars (\$84.00). No additional fees are believed necessary. However, if it is determined that additional fees are necessary, the Commissioner is hereby authorized to charge all necessary fees to the above-referenced Deposit Account.

### **Rejections Under 35 U.S.C. § 112**

In the Office Action, the Examiner rejected claims 15-16 and 20-24 under 35 U.S.C. § 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time application was filed, had possession of the claimed invention." Paper No. 8, page 2. Specifically, the Examiner disapproved of the language in claim 15 that recited "...moved linearly from...wherein the linear movement..." Because this language is no longer present in the presently pending claims, Applicants respectfully assert that the Examiner's rejection has

been rendered moot. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and allowing the pending claims.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1-16 and 20-30 under 35 U.S.C. § 103(a) as being unpatentable solely over the Gill et al. reference, U.S. Patent No. 5,388,032. In the interest of expediting prosecution, Applicants address below the substance of the Examiner's rejection as applied to new claims 31-48 as well. Applicants respectfully assert that the pending claims are patentable over the Gill reference. Simply put, the pending claims recite features not found in the Gill reference. Reconsideration and allowance of all pending claims are respectfully requested.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination or modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination or modification includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference or references. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

### **Independent Claim 10 and the Claims Depending Therefrom**

Amended independent claim 10 recites, *inter alia*, “wherein the pivot assembly is *slidably engaged* with *at least one of the mounting structure and display assembly* such that the display assembly is positionable between a retracted position and a display position.” (Emphasis added). The Gill reference does not disclose a *pivot assembly* that is *slidably engaged* with another structure.

The Gill reference discloses a monitoring unit 100 that comprises a standard keyboard 102 and a display 104, both of which are disposed of within a drawer 106. *See* Gill, column 6, lines 39-41; Fig. 1. The display 104 pivots from a prone position (as illustrated in Fig. 1) to a more upright position (as illustrated in Fig. 2) by way of pivot points 146 and 148. *See id.*, column 9, lines 31-35. Indeed, the pivot points 146 and 148 do *not slidably* engage with any other component. Rather, the pivot points 146 and 148 merely facilitate rotation of the display 104—not sliding. *See id.*, Figs. 1, 2, 5 and 6 (Figs. 1 and 5 illustrating the display in the vertical position, and Figs. 2 and 6 illustrating the display in the prone position). Neither the display 104 nor the display compartment 114 to which the display 104 is coupled slideably engages the pivot points 146 and 148. That is, the display device 104 and the display compartment 114, at all times, remain pivotably *fixed* with respect to one another as well as to the pivot points. *See id.*, Figs. 5 and 6 (illustrating that the pivot points 146 and 148 remain in a *fixed* position with respect to the display device 104 and the display compartment 114 when in either the prone or vertical configuration).

Additionally, although the Gill reference discloses a telescoping rail structure 119, there is no reason to believe that telescoping rail structure is in any way a part of the pivot assembly.

Indeed, the telescoping rail structure 119 does not facilitate any semblance of pivotal movement. That is, the *pivotal* movement of the display device 104 occurs wholly independently of any portion of the telescoping rail assembly 119. Thus, the telescoping rail assembly 119 cannot be likened in any manner to the pivot assembly as recited in the instant claims.

Because the Gill reference discloses pivot points 146 and 148 that are *fixed* in location with respect to the display device 104 and the display compartment 114, the Gill reference does not disclose a pivot assembly that is *slidably engaged*, as recited in the instant claim. Therefore, independent claim 10 and its respective dependent claims 11-13 and 40-44 are patentable over the Gill reference. Reconsideration and allowance of these claims are respectfully requested.

#### **Independent Claim 15 and the Claims Depending Therefrom**

Amended independent claim 15 recites, *inter alia*, “wherein the information display module is positionable between a retracted position and a display position, wherein the *retracted* position *locates* the display surface generally *perpendicular* to a user interface surface of the processor-based device, and the *display position* locates the display surface *generally parallel* to the user interface surface.” (Emphasis added). The Gill reference does not disclose these features.

As stated above, the Gill reference discloses a display device 104 and a keyboard 102, which are coupled to a drawer 106. At best, the keyboard 102, more particularly the keys of the keyboard, is the only user interface surface disclosed by the Gill reference. With this in mind, it is clear that the arrangement of Gill is antithetical to the instant claim. When in the prone position, as illustrated by Fig. 1 of Gill, the screen or display surface of the Gill device is *parallel*

to the keys of the keyboard 102. Accordingly, when the display surface is in an *unreadable* position, the display surface is generally parallel to the user interactive portion of the Gill device, i.e., the keys. Conversely, when display surface is in the vertical position, that is, in a readable position, the display surface is generally *perpendicular* to the user interface surface, i.e., the keys of the keyboard. *See* Gill, Figs. 1 and 2. Clearly, the Gill device is opposite to the instant claim, which recites a display position that locates the display surface *generally parallel* to the user interface surface and a retracted position that locates the display surface *generally perpendicular* to the user interface surface.

Accordingly, Applicants respectfully assert that independent claim 15 and its respective dependent claims 16, 22 and 45-47 are patentable over the Gill reference. Reconsideration and allowance of these claims are respectfully requested.

#### **Independent Claim 25 and the Claims Depending Therefrom**

Amended independent claim 25 recites, *inter alia*, “storing a display module in a server assembly via a pivot structure such that the *pivot structure is slidably engaged* to at least one of the display module and sever assembly.” As discussed above, the Gill reference does *not* disclose a pivot structure that is *slidably engaged* to any other structure. Rather, the pivot points 146 and 148 of the Gill device remain in a *fixed* position with respect to other structures within the assembly 100. Accordingly, the Gill reference does not disclose all of the features recited in the instant claims.

Thus, independent claim 25 and its respective dependent claims 26-28 and 30 are patentable over the cited reference. Reconsideration and allowance of these claims are respectfully requested.

**New Independent Claims 31 and 48**

New claims 31 and 48 also recite features not found in the Gill reference. New independent claims 31 and 48 recite, respectively:

Claim 31: a second portion secured to the first portion via a pivot assembly, wherein the pivot assembly is *slidably engaged* to at least one of the first and second portions; and

Claim 48: [a] pivot structure being *slidably engaged* with at least one of the display device and mounting structure.

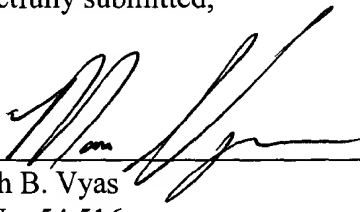
As discussed above, the Gill reference discloses a pair of pivot points 146 and 148 that are *fixed* in location with respect to other structures within the assembly 100. Accordingly, the Gill reference does not teach the *slidably engaged* pivot assemblies as recited in the instant claims, respectively. Thus, Applicants respectfully assert that independent claim 31 and its respective dependent claims 32-39, and claim 48 are patentable over the Gill reference. Allowance of these claims is respectfully requested.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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